

Serial No. 10/717,468

Attorney Docket No. 11-205

**REMARKS**

The applicants note with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicants acknowledge and appreciate receiving an initialed copy of the form PTO-1449 that was filed on April 20, 2004.

Claims 1 – 14 are pending. The office action indicated the allowability of claims 2 – 4 if rewritten in independent form. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

The specification is amended to correct a cosmetic defect. Claims 1 and 3 are also amended to correct cosmetic defects.

Claim 1 was rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,246,359, Asano et al. ("Asano"). The rejection is respectfully traversed for reasons including the following, which are provided by way of example.

As described in the application, the invention recognizes the problem of providing a direction detecting apparatus that can prevent an erroneous detection due to phase aliasing (page 4, lines 3 – 5). Independent claim 1 recites in combination, for example, "a range determining device determining that the target exists in any of azimuthal angle ranges each corresponding to ranges ...;" and "a direction correcting device correcting the direction calculated by the direction calculating device according to a result determined by the range determining device."

One or more embodiments provide that a transmission antenna can radiate a radio wave into an unsectioned detection area. Signals received by the reception antenna(s) are composed of

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mixed signals reflected by objects in the entire detection area. Therefore, the claims recite a "range determining device determining that the target exists" in any of the ranges.

On the other hand, without conceding that Asano discloses any feature of the present invention, Asano is directed to scanning transmission antennas to radiate radio waves into the respective sectioned detection areas (e.g., TRANSMITTING ANTENNAS 5, Fig. 3). According to Asano, an overall detection area is sectioned into plural areas, and, for every sectioned detection area, a radio wave is transmitted and its reflected wave is received for detecting objects which may be present in each section detection area.

Thus, in Asano, the reception signal itself from each section area inherently indicates whether an object is present in each sectioned detection area. Depending on whether or not reception signals come from each sectioned detection area, it is decided that targets are present in each area.

The office action asserts that Asano anticipates the invention as claimed. To the contrary, Asano fails to set forth each and every element found in the claims. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Moreover, "In rejecting claims for want of novelty or for obviousness, the examiner must cite the best reference at his or her command. When a reference is complex or shows or

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describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. ..." 37 CFR 1.104(c)(2).

Asano fails to teach or suggest, for example, both the "range determining device determining that the target exists", and the "direction correcting device", as recited. (See, e.g., claim 1.) The office action cites Asano, Fig. 4, element 10 as teaching the direction correcting device, but fails to indicate where Asano teaches the range determining device. Therefore, the office action has failed to make a *prima facie* case of anticipation.

Alternatively, it appears that the office action has cited the same element of Asano as teaching two separate elements: the range determining device and the direction correcting device. Accordingly, Asano does not teach or suggest the range determining device, as recited.

A review of Fig. 4 and the description corresponding thereto reveals that Asano fails to teach or suggest "a range determining device determining that the target exists in any of azimuthal angle ranges" as recited.

Asano fails to teach or suggest, for example, these elements recited in independent claim 1. It is respectfully submitted therefore that claim 1 is patentable over Asano.

For at least these reasons, the combination of features recited in independent claim 1, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Asano clearly fails to show other recited elements as well.

New claims 5 – 14 have been added to further define the invention, and are believed to be patentable for reasons including these set out above.

The applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. The applicants do not concede

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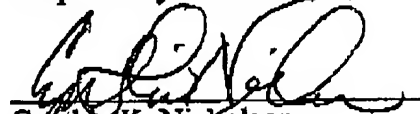
that the cited prior art shows any element recited in the claims. However, the applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

The applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted

  
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